

**Subject Index**  
**The Army Lawyer**  
**January 1990—December 1990**

**-A-**

**ACQUISITIONS, see also PROCUREMENT, CONTRACTS**

Presolicitation Discussions and the "Unfair" Competitive Advantage, by Dominic A. Femino, Jr., Aug. 1990, at 11.

**ADMINISTRATIVE BOARDS, see also SEPARATIONS**

Administrative Separation from the Military: A Due Process Analysis, by MAJ David S. Franke, Oct. 1990, at 11.

**ADMISSIBILITY**

Charting Scylla and Charybdis: A Guide for Military Judges and Trial Counsel on Admitting Evidence of Other Crimes to Prove Intent, by CPT Karen V. Johnson, June 1990, at 31.

Residual Hearsay Exception: An Overview for Defense Counsel, The, by CPT Deborah A. Hooper, July 1990, at 29.

**ARTICLE 121, U.C.M.J.**

Larceny: An Old Crime With a New Twist, by MAJ Maria C. Fernandez, Sept. 1990, at 26.

**ARTICLE 31, U.C.M.J.**

Article 31(b) and the Defense Counsel Interview, by MAJ John B. McDaniel, May 1990, at 9.

**ARTICLE 32, U.C.M.J.**

Sixth Amendment Issues at the Article 32 Investigation, by MAJ Sarah Merck, Aug. 1990, at 17.

**ARTICLE 66, U.C.M.J.**

Standards of Appellate Review and Article 66(c): A De Novo Review?, by MAJ Martin D. Carpenter, Oct. 1990, at 36.

**AUTOMATION**

A Brief History of Claims Automation, by COL Adrian J. Gravelle, Jan. 1990, at 49.

Claims Automation—Lessons Learned, by COL Adrian J. Gravelle, Feb. 1990, at 79.

Electronic Bulletin Board for Army Lawyers, The, by LTC Michael J. Wentink, & LTC Frankie D. Hoskey, Mar. 1990, at 56.

**-B-**

**BID PROTESTS**

Who Pays the Piper for Attorneys' Fee Awards in GSBGA Bid Protest Cases?—The Case of *Julie Research Laboratories, Inc.*, by CPT Douglas P. DeMoss, Nov. 1990, at 8.

**BIDS**

Responsiveness of Unbalanced Bids: Defining a Method of Analysis, by CPT Gregory O. Block, Mar. 1990, at 13.

**BULLETIN BOARD**

Electronic Bulletin Board for Army Lawyers, The, by LTC Michael J. Wentink, & LTC Frankie D. Hoskey, Mar. 1990, at 56.

**-C-**

**CHALLENGES, see also COURT MEMBERS**

*Batson*: Beginning of the End of the Peremptory Challenge?, by CPT Denise J. Arn, May 1990, at 33.

**CHECKS**

Bad Check Cases: A Primer for Trial and Defense Counsel, by MAJ Henry R. Richmond, Jan. 1990, at 3.

**CIVILIANS**

USAREUR Regulation 27-9, "Misconduct by Civilians", by CPT James Kevin Lovejoy, June 1990, at 16.

**CLAIMS**

A Brief History of Claims Automation, by COL Adrian J. Gravelle, Jan. 1990, at 49.

Claims Automation—Lessons Learned, by COL Adrian J. Gravelle, Feb. 1990, at 79.

Investigation and Settlement of Tubal Ligation Claims, by MAJ Phil Lynch, & MAJ Stephanie Brown, July 1990, at 57.

Lifecycle of a NATO SOFA Claim, The, by MAJ David J. Fletcher, Sept. 1990, at 44.

Model Claims Office Program, The, by COL Jack F. Lane, Jr., Aug. 1990, at 43.

POV Shipment Claims: Demystifying the Recovery Process, by Andrew J. Peluso, June 1990, at 64.

Update on Maneuver Damage Verification Procedures, by Andrea Philipp-Nolan, Oct. 1990, at 55.

**Subject Index**  
**The Army Lawyer**  
**January 1990—December 1990**

**-A-**

**ACQUISITIONS, see also PROCUREMENT, CONTRACTS**

Presolicitation Discussions and the "Unfair" Competitive Advantage, by Dominic A. Femino, Jr., Aug. 1990, at 11.

**ADMINISTRATIVE BOARDS, see also SEPARATIONS**

Administrative Separation from the Military: A Due Process Analysis, by MAJ David S. Franke, Oct. 1990, at 11.

**ADMISSIBILITY**

Charting Scylla and Charybdis: A Guide for Military Judges and Trial Counsel on Admitting Evidence of Other Crimes to Prove Intent, by CPT Karen V. Johnson, June 1990, at 31.

Residual Hearsay Exception: An Overview for Defense Counsel, The, by CPT Deborah A. Hooper, July 1990, at 29.

**ARTICLE 121, U.C.M.J.**

Larceny: An Old Crime With a New Twist, by MAJ Maria C. Fernandez, Sept. 1990, at 26.

**ARTICLE 31, U.C.M.J.**

Article 31(b) and the Defense Counsel Interview, by MAJ John B. McDaniel, May 1990, at 9.

**ARTICLE 32, U.C.M.J.**

Sixth Amendment Issues at the Article 32 Investigation, by MAJ Sarah Merck, Aug. 1990, at 17.

**ARTICLE 66, U.C.M.J.**

Standards of Appellate Review and Article 66(c): A De Novo Review?, by MAJ Martin D. Carpenter, Oct. 1990, at 36.

**AUTOMATION**

A Brief History of Claims Automation, by COL Adrian J. Gravelle, Jan. 1990, at 49.

Claims Automation—Lessons Learned, by COL Adrian J. Gravelle, Feb. 1990, at 79.

Electronic Bulletin Board for Army Lawyers, The, by LTC Michael J. Wentink, & LTC Frankie D. Hoskey, Mar. 1990, at 56.

**-B-**

**BID PROTESTS**

Who Pays the Piper for Attorneys' Fee Awards in GSBGA Bid Protest Cases?—The Case of *Julie Research Laboratories, Inc.*, by CPT Douglas P. DeMoss, Nov. 1990, at 8.

**BIDS**

Responsiveness of Unbalanced Bids: Defining a Method of Analysis, by CPT Gregory O. Block, Mar. 1990, at 13.

**BULLETIN BOARD**

Electronic Bulletin Board for Army Lawyers, The, by LTC Michael J. Wentink, & LTC Frankie D. Hoskey, Mar. 1990, at 56.

**-C-**

**CHALLENGES, see also COURT MEMBERS**

*Batson*: Beginning of the End of the Peremptory Challenge?, by CPT Denise J. Arn, May 1990, at 33.

**CHECKS**

Bad Check Cases: A Primer for Trial and Defense Counsel, by MAJ Henry R. Richmond, Jan. 1990, at 3.

**CIVILIANS**

USAREUR Regulation 27-9, "Misconduct by Civilians", by CPT James Kevin Lovejoy, June 1990, at 16.

**CLAIMS**

A Brief History of Claims Automation, by COL Adrian J. Gravelle, Jan. 1990, at 49.

Claims Automation—Lessons Learned, by COL Adrian J. Gravelle, Feb. 1990, at 79.

Investigation and Settlement of Tubal Ligation Claims, by MAJ Phil Lynch, & MAJ Stephanie Brown, July 1990, at 57.

Lifecycle of a NATO SOFA Claim, The, by MAJ David J. Fletcher, Sept. 1990, at 44.

Model Claims Office Program, The, by COL Jack F. Lane, Jr., Aug. 1990, at 43.

POV Shipment Claims: Demystifying the Recovery Process, by Andrew J. Peluso, June 1990, at 64.

Update on Maneuver Damage Verification Procedures, by Andrea Philipp-Nolan, Oct. 1990, at 55.

Verifying Maneuver Damage in Korea, by Edwin J. Richards, July 1990, at 63.

## COMMERCIAL SPONSORSHIP

Commercial Sponsorship: Salvation for Army Morale, Welfare, and Recreation Programs or Shortsighted Folly?, by Joseph P. Zocchi, Sept. 1990, at 9.

## CONSTRUCTION, see also CONTRACTS

Construction Contract Bonds—A Primer, by CPT Anthony M. Helm, Oct. 1990, at 21.

## CONTRACTING OFFICERS

NATO Mutual Support Act in the USCENTCOM Area of Operations: A Primer, The, by CPT Kelly D. Wheaton, July 1990, at 3.

## CONTRACTS

Commercial Sponsorship: Salvation for Army Morale, Welfare, and Recreation Programs or Shortsighted Folly?, by Joseph P. Zocchi, Sept. 1990, at 9.

Construction Contract Bonds—A Primer, by CPT Anthony M. Helm, Oct. 1990, at 21.

Hindsight—Litigation That Might Have Been Avoided, by MAJ R. Alan Miller, Feb. 1990, at 57.

Hindsight—Litigation That Might Have Been Avoided, by CPT Rafael Lara, Jr., & MAJ Edward J. Kinberg, Mar. 1990, at 31.

NATO Mutual Support Act in the USCENTCOM Area of Operations: A Primer, The, by CPT Kelly D. Wheaton, July 1990, at 3.

Obstruction of Federal Audit (18 U.S.C. § 1516): New Protection for the Federal Auditor, by MAJ Scott W. MacKay, Sept. 1990, at 14.

Presolicitation Discussions and the "Unfair" Competitive Advantage, by Dominic A. Femino, Jr., Aug. 1990, at 11.

Recent Developments in Contract Law—1989 in Review, by Contract Law Div., TJAGSA, Feb. 1990, at 3.

Responsiveness of Unbalanced Bids: Defining a Method of Analysis, by CPT Gregory O. Block, Mar. 1990, at 13.

When Winning Isn't Enough: Boards of Contract Appeals and Monetary Sanctions for Frivolous and Bad Faith Conduct in Administrative Litigation, by LTC Clarence D. Long III, June 1990, at 37.

Who Pays the Piper for Attorneys' Fee Awards in GSBFA Bid Protest Cases?—The Case of *Julie Research Laboratories, Inc.*, by CPT Douglas P. DeMoss, Nov. 1990, at 8.

## COUNSEL

Article 31(b) and the Defense Counsel Interview, by MAJ John B. McDaniel, May 1990, at 9.

Bad Check Cases: A Primer for Trial and Defense Counsel, by MAJ Henry R. Richmond, Jan. 1990, at 3.

Consider Collateral Consequences, by CPT Michael J. Berrigan, May 1990, at 21.

Larceny: An Old Crime With a New Twist, by MAJ Maria C. Fernandez, Sept. 1990, at 26.

Pretrial Confinement: A Defense Perspective, by CPT Stephen J. Pfleger, & MAJ Denise K. Vowell, Apr. 1990, at 36.

## COURT MEMBERS, see also COURTS-MARTIAL

*Batson*: Beginning of the End of the Peremptory Challenge?, by CPT Denise J. Arn, May 1990, at 33.

## COURTS-MARTIAL

Annual Review of Developments in Instructions, by COL Herbert Green, Apr. 1990, at 47.

Avoidable Appellate Issues—The Art of Protecting the Record, by CPT Timothy J. Saviano, Nov. 1990, at 27.

*Batson*: Beginning of the End of the Peremptory Challenge?, by CPT Denise J. Arn, May 1990, at 33.

Consider Collateral Consequences, by CPT Michael J. Berrigan, May 1990, at 21.

Divestiture Defense and *United States v. Collier*, The, by MAJ Eugene R. Milhizer, Mar. 1990, at 3.

Flag Burning: An Offense Under the Uniform Code of Military Justice?, by CPT Jonathan F. Potter, Nov. 1990, at 21.

Larceny: An Old Crime With a New Twist, by MAJ Maria C. Fernandez, Sept. 1990, at 26.

Sentence Credit Revisited at the Appellate Level, by CPT Timothy J. Saviano, Jan. 1990, at 22.

Standards of Appellate Review and Article 66(c): A De Novo Review?, by MAJ Martin D. Carpenter, Oct. 1990, at 36.

Using Experts to Prepare for Courts-Martial, by LTC Larry E. Kinder, Jan. 1990, at 27.

## CRIMINAL INVESTIGATION COMMAND

CID and the Judge Advocate in the Field—A Primer, by MAJ Stephen Nypaver III, Sept. 1990, at 4.

**-D-**

**DEFENSES**

Divestiture Defense and *United States v. Collier*, The, by MAJ Eugene R. Milhizer, Mar. 1990, at 3.

Mistake of Fact and Carnal Knowledge, by MAJ Eugene R. Milhizer, Oct. 1990, at 4.

Mistake of Fact, Specific Intent, and *U.S. v. Langley*, by LTC Patrick P. Brown, June 1990, at 33.

**DEPENDENTS**

USAREUR Regulation 27-9, "Misconduct by Civilians", by CPT James Kevin Lovejoy, June 1990, at 16.

**DIVORCE**

Guam Divorces: Fast, Easy, and Dangerous, by MAJ Jeffrey S. Guilford, Mar. 1990, at 20.

**DRUGS, see also ALCOHOL**

A Commander's Broad Reach: Perspective on *United States v. Bickel*, by CPT Lawrence J. Morris, Dec. 1990, at 25.

Is the Army's Urinalysis Program Constitutional Under the Fourth Amendment in Light of *von Raab* and *Skinner*?: The Defense Perspective, by Cynthia D. Marino, Dec. 1990, at 12.

Posse Comitatus Act, the Military, and Drug Interdiction: Just How Far Can We Go?, The, by MAJ Leroy C. Bryant, Dec. 1990, at 3.

Urinalysis Cases and Judicial Notice, by MAJ Willis Hunter, & CPT Michael Davidson, July 1990, at 34.

**DUE PROCESS**

Administrative Separation from the Military: A Due Process Analysis, by MAJ David S. Franke, Oct. 1990, at 11.

**-E-**

**EDUCATION, see also TRAINING**

JAGC-USAR Professional Development and Assignment Patterns for the 1990's, by Dr. Mark Foley, June 1990, at 82.

**ELECTRONIC FUND TRANSFER ACT**

Electronic Fund Transfer Act: An Effective Shield and A Sharp Sword!, The, by MAJ David L. Pointer, Aug. 1990, at 3.

**ELIMINATIONS, see also PERSONNEL**

Officer Administrative Eliminations—A System in Disrepair, by MAJ D. Ben Tesdahl, June 1990, at 3.

Administrative Separation from the Military: A Due Process Analysis, by MAJ David S. Franke, Oct. 1990, at 11.

**EMPLOYMENT**

Rule of Reasonableness Revisited: Reemployment Rights of Reservists, The, by MAJ E. Michael Chiaparas, Mar. 1990, at 58.

**ENLISTED UPDATE**

Enlisted Update, by SGM Carlo Roquemore, May 1990, at 93.

**ENVIRONMENTAL LAW**

Commander and Environmental Compliance, The, by BG John L. Fugh, LTC Scott P. Isaacson, & MAJ Lawrence E. Rouse, May 1990, at 3.

**ETHICS, see also PROFESSIONAL RESPONSIBILITY**

Avoiding Conflicts of Interest in Trial Defense Practice, by CPT Nancy A. Higgins, June 1990, at 24.

Confidentiality: The Evidentiary Rule Versus the Ethical Rule, by MAJ Gary J. Holland, May 1990, at 17.

Enhancing Ethical Awareness, by LTC Michael Denny, May 1990, at 52.

Ethical Guideposts in Federal Tort Claims Practice, by CPT Peter J. Barbaro, & Karen G. Schulman, May 1990, at 78.

**EUROPE**

NATO Status of Forces Agreement, The, by Horst Kraatz, Nov. 1990, at 3.

USAREUR Regulation 27-9, "Misconduct by Civilians", by CPT James Kevin Lovejoy, June 1990, at 16.

Update on Maneuver Damage Verification Procedures, by Andrea Philipp-Nolan, Oct. 1990, at 55.

**EVIDENCE, see also MILITARY RULES OF EVIDENCE**

Article 31(b) and the Defense Counsel Interview, by Major John B. McDaniel, May 1990, at 9.

Bad Check Cases: A Primer for Trial and Defense Counsel, by MAJ Henry R. Richmond, Jan. 1990, at 3.

Charting Scylla and Charybdis: A Guide for Military Judges and Trial Counsel on Admitting Evidence of Other Crimes to Prove Intent, by CPT Karen V. Johnson, June 1990, at 31.

Confidentiality: The Evidentiary Rule Versus the Ethical Rule, by MAJ Gary J. Holland, May 1990, at 17.



Is R.C.M. 1001(b)(5) Dead? An Analysis of *Horner/Ohrt*, by CPT George R. Johnson, May 1990, at 44.

Residual Hearsay Exception: An Overview for Defense Counsel, The, by CPT Deborah A. Hooper, July 1990, at 29.

Using Experts to Prepare for Courts-Martial, by LTC Larry E. Kinder, Jan. 1990, at 27.

**-F-**

**FINANCIAL DISCLOSURE**

Due Diligence in Obtaining Financial Records, by CPT Donald W. Hitzeman, July 1990, at 39.

**FIRST AMENDMENT**

Flag Burning: An Offense Under the Uniform Code of Military Justice?, by CPT Jonathan F. Potter, Nov. 1990, at 21.

**FOURTH AMENDMENT**

Is the Army's Urinalysis Program Constitutional Under the Fourth Amendment in Light of *von Raab* and *Skinner*? The Defense Perspective, by Cynthia D. Marino, Dec. 1990, at 12.

**FRAUD**

Obstruction of Federal Audit (18 U.S.C. § 1516): New Protection for the Federal Auditor, by MAJ Scott W. MacKay, Sept. 1990, at 14.

**FREEDOM OF INFORMATION ACT**

A Practitioner's Guide to "Confidential Commercial and Financial Information" and the Freedom of Information Act, by Robert B. Kelso, July 1990, at 10.

**-H-**

**HEARSAY, see also EVIDENCE**

Residual Hearsay Exception: An Overview for Defense Counsel, The, by CPT Deborah A. Hooper, July 1990, at 29.

**-I-**

**IMMUNITY**

Commander and Environmental Compliance, The, by BG John L. Fugh, LTC Scott P. Isaacson, & MAJ Lawrence E. Rouse, May 1990, at 3.

**INSTRUCTIONS**

Annual Review of Developments in Instructions, by COL Herbert Green, Apr. 1990, at 47.

**-J-**

**JUDGE ADVOCATES**

CID and the Judge Advocate in the Field—A Primer, by MAJ Stephen Nypaver III, Sept. 1990, at 4.

**-K-**

**KOREA**

Verifying Maneuver Damage in Korea, by Edwin J. Richards, July 1990, at 63.

**-L-**

**LABOR LAW**

Interviewing Bargaining Unit Employees, by MAJ Michael R. McMillion, Apr. 1990, at 18.

**LAW OFFICE MANAGEMENT**

Paralegal in Army Legal Practice, The, by COL Richard H. Black, Lannette J. Moutos, & Debra G. Richards, Nov. 1990, at 70.

**LEGAL ASSISTANCE**

Electronic Fund Transfer Act: An Effective Shield and A Sharp Sword!, The, by MAJ David L. Pointer, Aug. 1990, at 3.

Guam Divorces: Fast, Easy, and Dangerous, by MAJ Jeffrey S. Guilford, Mar. 1990, at 20.

**LITIGATION**

Hindsight—Litigation That Might Have Been Avoided, by MAJ R. Alan Miller, Feb. 1990, at 57.

Hindsight—Litigation That Might Have Been Avoided, by CPT Rafael Lara, Jr., & MAJ Edward J. Kinberg, Mar. 1990, at 31.

When Winning Isn't Enough: Boards of Contract Appeals and Monetary Sanctions for Frivolous and Bad Faith Conduct in Administrative Litigation, by LTC Clarence D. Long III, June 1990, at 37.

**-M-**

**MALPRACTICE**

Investigation and Settlement of Tubal Ligation Claims, by MAJ Phil Lynch, & MAJ Stephanie Brown, July 1990, at 57.

**MANUAL FOR COURTS-MARTIAL**

Mistake of Fact and Carnal Knowledge, by MAJ Eugene R. Milhizer, Oct. 1990, at 4.

Mistake of Fact, Specific Intent, and *U.S. v. Langley*, by LTC Patrick P. Brown, June 1990, at 33.

**MILITARY RULES OF EVIDENCE, see EVIDENCE**  
**MULTIPLICITY**

Multiplicity Melee: Relief in Sight, The, by CPT Randy V. Cargill, May 1990, at 29.

**-N-**

**NATIONAL GUARD, see also RESERVES**

Reserve Callup Authorities: Time for Recall?, by CPT L. Dow Davis (USNR), Apr. 1990, at 4.

Rule of Reasonableness Revisited: Reemployment Rights of Reservists, The, by MAJ E. Michael Chiaparas, Mar. 1990, at 58.

**NONAPPROPRIATED FUNDS**

Commercial Sponsorship: Salvation for Army Morale, Welfare, and Recreation Programs or Shortsighted Folly?, by Joseph P. Zocchi, Sept. 1990, at 9.

**NORTH AMERICAN TREATY ORGANIZATION (NATO)**

Lifecycle of a NATO SOFA Claim, The, by MAJ David J. Fletcher, Sept. 1990, at 44.

NATO Mutual Support Act in the USCENTCOM Area of Operations: A Primer, The, by CPT Kelly D. Wheaton, July 1990, at 3.

NATO Status of Forces Agreement, The, by Horst Kraatz, Nov. 1990, at 3.

Update on Maneuver Damage Verification Procedures, by Andrea Philipp-Nolan, Oct. 1990, at 55.

**-O-**

**OPERATIONAL LAW**

Memorandum of Law—Review of Weapons in the Advanced Combat Rifle Program, July 1990, at 18.

**-P-**

**PARALEGALS**

Paralegal in Army Legal Practice, The, by COL Richard H. Black, Lannette J. Moutos, & Debra G. Richards, Nov. 1990, at 70.

**PAY AND ALLOWANCES**

Resolving the Ambiguity?: The Army Court Decides *United States v. Bowen*, by CPT Clay E. Donnigan, Apr. 1990, at 57.

**PERSONNEL, ENLISTED**

Court Reporter Training, by SGM Carlo Roquemore, Dec. 1990, at 72.

Administrative Separation from the Military: A Due Process Analysis, by MAJ David S. Franke, Oct. 90, at 11.

**PERSONNEL, FEDERAL**

Interviewing Bargaining Unit Employees, by MAJ Michael R. McMillion, Apr. 1990, at 18.

**PERSONNEL, OFFICER**

Officer Administrative Eliminations—A System in Disrepair, by MAJ D. Ben Tesdahl, June 1990, at 3.

**POSSE COMITATUS ACT**

Posse Comitatus Act, the Military, and Drug Interdiction: Just How Far Can We Go?, The, by MAJ Leroy C. Bryant, Dec. 1990, at 3.

**PRETRIAL AGREEMENTS**

Pretrial Agreement Negotiations: A Defense Perspective, by CPT R. Peter Masterton, Apr. 1990, at 28.

**PRETRIAL CONFINEMENT**

Pretrial Confinement: A Defense Perspective, by CPT Stephen J. Pfleger, & MAJ Denise K. Vowell, Apr. 1990, at 36.

**PROCUREMENT, see also CONTRACTS**

Obstruction of Federal Audit (18 U.S.C. § 1516): New Protection for the Federal Auditor, by MAJ Scott W. MacKay, Sept. 1990, at 14.

Recent Developments in Contract Law—1989 in Review, by Contract Law Div., TJAGSA, Feb. 1990, at 3.

Responsiveness of Unbalanced Bids: Defining a Method of Analysis, by CPT Gregory O. Block, Mar. 1990, at 13.

**PROFESSIONAL RESPONSIBILITY, see also ETHICS**

Article 31(b) and the Defense Counsel Interview, by MAJ John B. McDaniel, May 1990, at 9.

Avoiding Conflicts of Interest in Trial Defense Practice, by CPT Nancy A. Higgins, June 1990, at 24.

Confidentiality: The Evidentiary Rule Versus the Ethical Rule, by MAJ Gary J. Holland, May 1990, at 17.

Enhancing Ethical Awareness, by LTC Michael Denny, May 1990, at 52.

**-R-**

**RESERVES, see also NATIONAL GUARD**

JAGC-USAR Professional Development and Assignment Patterns for the 1990's, by Dr. Mark Foley, June 1990, at 82.

Reserve Callup Authorities: Time for Recall?, by CPT L. Dow Davis (USNR), Apr. 1990, at 4.

Rule of Reasonableness Revisited: Reemployment Rights of Reservists, The, by MAJ E. Michael Chiaparas, Mar. 1990, at 58.

## RETIREMENT

Maximizing Survivor Benefits for Family Members, by MAJ Thomas F. Dougall, Jan. 1990, at 12.

## -S-

## SENTENCING

Is R.C.M. 1001(b)(5) Dead? An Analysis of *Horner/Ohrt*, by CPT George R. Johnson, May 1990, at 44.

Pretrial Agreement Negotiations: A Defense Perspective, by CPT R. Peter Masterton, Apr. 1990, at 28.

Resolving the Ambiguity?: The Army Court Decides *United States v. Bowen*, by CPT Clay E. Donnigan, Apr. 1990, at 57.

Sentence Credit Revisited at the Appellate Level, by CPT Timothy J. Saviano, Jan. 1990, at 22.

## SEPARATIONS, see also ADMINISTRATIVE BOARDS

Administrative Separation from the Military: A Due Process Analysis, by MAJ David S. Franke, Oct. 1990, at 11.

Officer Administrative Eliminations—A System in Disrepair, by MAJ D. Ben Tesdahl, June 1990, at 3.

## SIXTH AMENDMENT, see also COUNSEL

Sixth Amendment Issues at the Article 32 Investigation, by MAJ Sarah Merck, Aug. 1990, at 17.

## SUPREME COURT

Supreme Court—1989 Term, by COL Francis A. Gilligan, & LTC Stephen D. Smith, Apr. 1990, at 87.

Supreme Court—1989 Term, Part II, by COL Francis A. Gilligan, & LTC Stephen D. Smith, May 1990, at 85.

Supreme Court—1989 Term, Part III, by COL Francis A. Gilligan, & LTC Stephen D. Smith, June 1990, at 77.

Supreme Court—1989 Term, Part IV, by COL Francis A. Gilligan, & LTC Stephen D. Smith, Aug. 1990, at 53.

Supreme Court—1989 Term, Part V, by COL Francis A. Gilligan, & LTC Stephen D. Smith, Sept. 1990, at 54.

Supreme Court—1989 Term, Part VI, by COL Francis A. Gilligan, & LTC Stephen D. Smith, Nov. 1990, at 58.

## SURVIVOR BENEFITS

Maximizing Survivor Benefits for Family Members, by MAJ Thomas F. Dougall, Jan. 1990, at 12.

## -T-

## TORTS, see also CLAIMS

Ethical Guideposts in Federal Tort Claims Practice, by CPT Peter J. Barbaro, & Karen G. Schulman, May 1990, at 78.

Investigation and Settlement of Tubal Ligation Claims, by MAJ Phil Lynch, & MAJ Stephanie Brown, July 1990, at 57.

## TRAINING, see also EDUCATION

Court Reporter Training, by SGM Carlo Roquemore, Dec. 1990, at 72.

JAGC-USAR Professional Development and Assignment Patterns for the 1990's, by Dr. Mark Foley, June 1990, at 82.

## TRIAL PRACTICE

Avoidable Appellate Issues—The Art of Protecting the Record, by CPT Timothy J. Saviano, Nov. 1990, at 27.

## -U-

## UNIFORM CODE OF MILITARY JUSTICE

Flag Burning: An Offense Under the Uniform Code of Military Justice?, by CPT Jonathan F. Potter, Nov. 1990, at 21.

## UNIONS, see also LABOR LAW, PERSONNEL

Interviewing Bargaining Unit Employees, by MAJ Michael R. McMillion, Apr. 1990, at 18.

## URINALYSIS, see also DRUGS, ALCOHOL

A Commander's Broad Reach: Perspective on *United States v. Bickel*, by CPT Lawrence J. Morris, Dec. 1990, at 25.

Is the Army's Urinalysis Program Constitutional Under the Fourth Amendment in Light of *von Raab* and *Skinner*?: The Defense Perspective, by Cynthia D. Marino, Dec. 1990, at 12.

Urinalysis Cases and Judicial Notice, by MAJ Willis Hunter, & CPT Michael Davidson, July 1990, at 34.

## -W-

## WITNESSES

Is R.C.M. 1001(b)(5) Dead? An Analysis of *Horner/Ohrt*, by CPT George R. Johnson, May 1990, at 44.

Using Experts to Prepare for Courts-Martial, by LTC Larry E. Kinder, Jan. 1990, at 27.

# Author Index

## *The Army Lawyer*

### January 1990—December 1990

#### -A-

Arn, CPT Denise J., *Batson: Beginning of the End of the Peremptory Challenge?*, May 1990, at 33.

#### -B-

Barbaro, CPT Peter J., & Karen G. Schulman, *Ethical Guideposts in Federal Tort Claims Practice*, May 1990, at 78.

Berrigan, CPT Michael J., *Consider Collateral Consequences*, May 1990, at 21.

Black, COL Richard H., Lannette J. Moutos, & Debra G. Richards, *The Paralegal in Army Legal Practice*, Nov. 1990, at 70.

Block, CPT Gregory O., *Responsiveness of Unbalanced Bids: Defining a Method of Analysis*, Mar. 1990, at 13.

Brown, LTC Patrick P., *Mistake of Fact, Specific Intent, and U.S. v. Langley*, June 1990, at 33.

Brown, MAJ Stephanie, & MAJ Phil Lynch, *Investigation and Settlement of Tubal Ligation Claims*, July 1990, at 57.

Bryant, MAJ Leroy C., *The Posse Comitatus Act, the Military, and Drug Interdiction: Just How Far Can We Go?*, Dec. 1990, at 3.

#### -C-

Cargill, CPT Randy V., *Multiplicity Melee: Relief in Sight*, The, May 1990, at 29.

Carpenter, MAJ Martin D., *Standards of Appellate Review and Article 66(c): A De Novo Review?*, Oct. 1990, at 36.

Chiaparas, MAJ E. Michael, *Rule of Reasonableness Revisited: Reemployment Rights of Reservists*, The, Mar. 1990, at 58.

#### -D-

Davidson, CPT Michael, & MAJ Willis Hunter, *Urinalysis Cases and Judicial Notice*, July 1990, at 34.

Davis, CPT L. Dow, USNR, *Reserve Callup Authorities: Time for Recall?*, Apr. 1990, at 4.

DeMoss, CPT Douglas P., *Who Pays the Piper for Attorneys' Fee Awards in GSBICA Bid Protest Cases?—The Case of Julie Research Laboratories, Inc.*, Nov. 1990, at 8.

Denny, LTC Michael, *Enhancing Ethical Awareness*, May 1990, at 52.

Donnigan, CPT Clay E., *Resolving the Ambiguity?: The Army Court Decides United States v. Bowen*, Apr. 1990, at 57.

Dougall, MAJ Thomas F., *Maximizing Survivor Benefits for Family Members*, Jan. 1990, at 12.

#### -F-

Femino, Jr., Dominic A., *Presolicitation Discussions and the "Unfair" Competitive Advantage*, Aug. 1990, at 11.

Fernandez, MAJ Maria C., *Larceny: An Old Crime With a New Twist*, Sept. 1990, at 26.

Fletcher, MAJ David J., *Lifecycle of a NATO SOFA Claim*, The, Sept. 1990, at 44.

Foley, Dr. Mark, *JAGC-USAR Professional Development and Assignment Patterns for the 1990's*, June 1990, at 82.

Franke, MAJ David S., *Administrative Separation from the Military: A Due Process Analysis*, Oct. 1990, at 11.

Fugh, BG John L., LTC Scott P. Isaacson, & MAJ Lawrence E. Rouse, *Commander and Environmental Compliance*, The, May 1990, at 3.

#### -G-

Gilligan, COL Francis A., & LTC Stephen D. Smith, *Supreme Court—1989 Term*, Apr. 1990, at 87.

Gilligan, COL Francis A., & LTC Stephen D. Smith, *Supreme Court—1989 Term, Part II*, May 1990, at 85.

Gilligan, COL Francis A., & LTC Stephen D. Smith, *Supreme Court—1989 Term, Part III*, June 1990, at 77.

Gilligan, COL Francis A., & LTC Stephen D. Smith, *Supreme Court—1989 Term, Part IV*, Aug. 1990, at 53.

Gilligan, COL Francis A., & LTC Stephen D. Smith, *Supreme Court—1989 Term, Part V*, Sept. 1990, at 54.

Gilligan, COL Francis A., & LTC Stephen D. Smith, *Supreme Court—1989 Term, Part VI*, Nov. 1990, at 58.

Gravelle, COL Adrian J., *A Brief History of Claims Automation*, Jan. 1990, at 49.

Gravelle, COL Adrian J., *Claims Automation—Lessons Learned*, Feb. 1990, at 79.

Green, COL Herbert, *Annual Review of Developments in Instructions*, Apr. 1990, at 47.

Guilford, MAJ Jeffrey S., *Guam Divorces: Fast, Easy, and Dangerous*, Mar. 1990, at 20.



### -H-

Helm, CPT Anthony M., Construction Contract Bonds—A Primer, Oct. 1990, at 21.

Higgins, CPT Nancy A., Avoiding Conflicts of Interest in Trial Defense Practice, June 1990, at 24.

Hitzeman, CPT Donald W., Due Diligence in Obtaining Financial Records, July 1990, at 39.

Holland, MAJ Gary J., Confidentiality: The Evidentiary Rule Versus the Ethical Rule, May 1990, at 17.

Hooper, CPT Deborah A., Residual Hearsay Exception: An Overview for Defense Counsel, The, July 1990, at 29.

Hoskey, LTC Frankie D., & LTC Michael J. Wentink, Electronic Bulletin Board for Army Lawyers, The, Mar. 1990, at 56.

Hunter, MAJ Willis, & CPT Michael Davidson, Urinalysis Cases and Judicial Notice, July 1990, at 34.

### -I-

Isaacson, LTC Scott P., BG John L. Fugh, & MAJ Lawrence E. Rouse, Commander and Environmental Compliance, The, May 1990, at 3.

### -J-

Johnson, CPT George R., Is R.C.M. 1001(b)(5) Dead? An Analysis of *Horner/Ohrt*, May 1990, at 44.

Johnson, CPT Karen V., Charting Scylla and Charybdis: A Guide for Military Judges and Trial Counsel on Admitting Evidence of Other Crimes to Prove Intent, June 1990, at 31.

### -K-

Kelso, Robert B., A Practitioner's Guide to "Confidential Commercial and Financial Information" and the Freedom of Information Act, July 1990, at 10.

Kinberg, MAJ Edward J., & CPT Rafael Lara, Jr., Hindsight—Litigation That Might Have Been Avoided, Mar. 1990, at 31.

Kinder, LTC Larry E., Using Experts to Prepare for Courts-Martial, Jan. 1990, at 27.

Kraatz, Horst, NATO Status of Forces Agreement, The, Nov. 1990, at 3.

### -L-

Lane, COL Jack F., Jr., Model Claims Office Program, The, Aug. 1990, at 43.

Lara, Jr., CPT Rafael, & MAJ Edward J. Kinberg, Hindsight—Litigation That Might Have Been Avoided, Mar. 1990, at 31.

Long, LTC Clarence D., III, When Winning Isn't Enough: Boards of Contract Appeals and Monetary Sanctions for Frivolous and Bad Faith Conduct in Administrative Litigation, June 1990, at 37.

Lovejoy, CPT James Kevin, USAREUR Regulation 27-9, "Misconduct by Civilians," June 1990, at 16.

Lynch, MAJ Phil, & MAJ Stephanie Brown, Investigation and Settlement of Tubal Ligation Claims, July 1990, at 57.

### -M-

MacKay, MAJ Scott W., Obstruction of Federal Audit (18 U.S.C. 1516): New Protection for the Federal Auditor, Sept. 1990, at 14.

Marino, Cynthia D., Is the Army's Urinalysis Program Constitutional Under the Fourth Amendment in Light of *von Raab* and *Skinner*? the Defense Perspective, Dec. 1990, at 12.

Masterton, CPT R. Peter, Pretrial Agreement Negotiations: A Defense Perspective, Apr. 1990, at 28.

McDaniel, MAJ John B., Article 31(b) and the Defense Counsel Interview, May 1990, at 9.

McMillion, MAJ Michael R., Interviewing Bargaining Unit Employees, Apr. 1990, at 18.

Merck, MAJ Sarah, Sixth Amendment Issues at the Article 32 Investigation, Aug. 1990, at 17.

Milhizer, MAJ Eugene R., Divestiture Defense and *United States v. Collier*, The, Mar. 1990, at 3.

Milhizer, MAJ Eugene R., Mistake of Fact and Carnal Knowledge, Oct. 1990, at 4.

Miller, MAJ R. Alan, Hindsight—Litigation That May Have Been Avoided, Feb. 1990, at 57.

Morris, CPT Lawrence J., A Commander's Broad Reach: Perspective on *United States v. Bickel*, Dec. 1990, at 25.

Moutos, Lannette J., COL Richard H. Black, & Debra G. Richards, The Paralegal in Army Legal Practice, Nov. 1990, at 70.

### -N-

Nypaver, MAJ Stephen, III, CID and the Judge Advocate in the Field—A Primer, Sept. 1990, at 4.

### -P-

Peluso, Andrew J., POV Shipment Claims: Demystifying the Recovery Process, June 1990, at 64.

Pfleger, CPT Stephen J., & MAJ Denise K. Vowell, Pretrial Confinement: A Defense Perspective, Apr. 1990, at 36.

Philipp-Nolan, Andrea, Update on Maneuver Damage Verification Procedures, Oct. 1990, at 55.

Pointer, MAJ David L., Electronic Fund Transfer Act: An Effective Shield and A Sharp Sword!, The, Aug. 1990, at 3.

Potter, CPT Jonathan F., Flag Burning: An Offense Under the Uniform Code of Military Justice?, Nov. 1990, at 21.

#### -R-

Richards, Debra G., COL Richard H. Black, & Lannette J. Moutos, The Paralegal in Army Legal Practice, Nov. 1990, at 70.

Richards, Edwin J., Verifying Maneuver Damage in Korea, July 1990, at 63.

Richmond, MAJ Henry R., Bad Check Cases: A Primer for Trial and Defense Counsel, Jan. 1990, at 3.

Roquemore, SGM Carlo, Court Reporter Training, Dec. 1990, at 72.

Roquemore, SGM Carlo, Enlisted Update, May 1990, at 93.

Rouse, MAJ Lawrence E., BG John L. Fugh, & LTC Scott P. Isaacson, Commander and Environmental Compliance, The, May 1990, at 3.

#### -S-

Saviano, CPT Timothy J., Avoidable Appellate Issues—The Art of Protecting the Record, Nov. 1990, at 27.

Saviano, CPT Timothy J., Sentence Credit Revisited at the Appellate Level, Jan. 1990, at 22.

Schulman, Karen G., & CPT Peter J. Barbaro, Ethical Guideposts in Federal Tort Claims Practice, May 1990, at 78.

Smith, LTC Stephen D., & COL Francis A. Gilligan, Supreme Court—1989 Term, Apr. 1990, at 87.

Smith, LTC Stephen D., & COL Francis A. Gilligan, Supreme Court—1989 Term, Part II, May 1990, at 85.

Smith, LTC Stephen D., & COL Francis A. Gilligan, Supreme Court—1989 Term, Part III, June 1990, at 77.

Smith, LTC Stephen D., & COL Francis A. Gilligan, Supreme Court—1989 Term, Part IV, Aug. 1990, at 53.

Smith, LTC Stephen D., & COL Francis A. Gilligan, Supreme Court—1989 Term, Part V, Sept. 1990, at 54.

Smith, LTC Stephen D., & COL Francis A. Gilligan, Supreme Court—1989 Term, Part VI, Nov. 1990, at 58.

#### -T-

TJAGSA, Contract Law Div., Recent Developments in Contract Law—1989 in Review, Feb. 1990, at 3.

Tesdahl, MAJ D. Ben, Officer Administrative Eliminations—A System in Disrepair, June 1990, at 3.

#### -V-

Vowell, MAJ Denise K., & CPT Stephen J. Pfleger, Pretrial Confinement: A Defense Perspective, Apr. 1990, at 36.

#### -W-

Wentink, LTC Michael J., & LTC Frankie D. Hoskey, Electronic Bulletin Board for Army Lawyers, The, Mar. 1990, at 56.

Wheaton, CPT Kelly D., NATO Mutual Support Act in the USCENCOM Area of Operations: A Primer, The, July 1990, at 3.

#### -Z-

Zocchi, Joseph P., Commercial Sponsorship: Salvation for Army Morale, Welfare, and Recreation Programs or Shortsighted Folly?, Sept. 1990, at 9.

## Index of Legal Assistance Items

### *The Army Lawyer* January 1990—December 1990

#### AWARDS

1990 Army Chief of Staff's Legal Assistance Award for Excellence, May 1990, at 70.

#### CHILD SUPPORT

The Effect of Non-Judicially Sanctioned Changes of Child Custody on Support Obligations, Oct. 1990, at 54.

#### CONSUMER LAW

Bereavement Air Fares, Apr. 1990, at 75.

Credit Card Address and Phone Number Requirements, June 1990, at 58.

Credit Card Fraud, Apr. 1990, at 75.

Credit Repair Firms, Feb. 1990, at 78.

Fair Credit Billing and Braniff Ticket Sales, Jan. 1990, at 41.

Fraud, Theft, and the Automatic Teller Machine, Apr. 1990, at 77.

General Development Corporation Enters Plea Agreement, Aug. 1990, at 42.

Loans: Statute of Limitations for Legal Enforcement is Ten Years, Aug. 1990, at 42.

Mail Order Shopping, May 1990, at 76.

Nassau-Suburban Furniture, Inc., Mar. 1990, at 43.

National Technical Schools Home Study Division, Mar. 1990, at 44.

Refund Programs for Soldiers Deployed on Operation Just Cause, Mar. 1990, at 42.

Rescission of Home Equity Loans—Truth in Lending Act Defenses, Mar. 1990, at 44.

Tax Refund Anticipation Loans, Jan. 1990, at 41.

Tax Refund Interception in Satisfaction of Defaulted Student Loans: Statute of Limitations for Legal Enforcement is Ten Years, Aug. 1990, at 42.

Warranties: State Lemon Laws, July 1990, at 55.

## ESTATE PLANNING

Are Life Insurance Proceeds Included in Decedent's Gross Estate?, June 1990, at 55.

Court Reforms SGLI "By Law" Designation, Sept. 1990, at 42.

Drafting Survivorship Provisions in Wills, Apr. 1990, at 78.

Durable Powers of Attorney for Health Care, Oct. 1990, at 52.

Gift of Home to Wife Raises Construction Problem, Mar. 1990, at 50.

Illegitimate Child Not Entitled to SGLI Proceeds, Aug. 1990, at 38.

Insurance Bequest Held Ineffective When Change of Beneficiary Forms Not Filed, Mar. 1990, at 47.

Integrating Insurance Proceeds Into Estate Plans, July 1990, at 53.

Property Included in Federal Gross Estate Despite State Court Order, June 1990, at 56.

Property Settlement Agreement and Will Held Not Effective to Change IRA Beneficiary Designation, Jan. 1990, at 44.

Revocable *Inter Vivos* Trusts as an Estate Planning Tool, Mar. 1990, at 48.

Self-Proving Affidavit Saves Improperly Executed Will, May 1990, at 72. Survivors' Education Benefits, Jan. 1990, at 44.

Using No-Contest Provisions in Wills, Oct. 1990, at 53.

Will Ineffective to Change Joint Bank Account Beneficiary, May 1990, at 73.

## FAMILY LAW

Adoption Reimbursement Program, Apr. 1990, at 72.

Birth Certificates for Children Born Abroad, Apr. 1990, at 73.

Can the Use of the Bankruptcy Code Avoid a Court-Ordered Division of Military Retired Pay?, Dec. 1990, at 45.

Enforcing Child Custody Orders Against DOD Members, Employees, and Their Accompanying Family Members Located Overseas, Nov. 1990, at 48.

International Child Abduction, Apr. 1990, at 73.

Interspousal Torts, Feb. 1990, at 77.

*Mansell v. Mansell*, Jan. 1990, at 44.

*Mansell v. Mansell*: An Epilogue, Apr. 1990, at 74.

Missouri Court Applies *Mansell*, Nov. 1990, at 49.

New Hampshire Holds Military Retirement Pay Divisible as Property, Oct. 1990, at 54.

Uniformed Services Former Spouses' Protection Act Update, June 1990, at 58.

Uniformed Services Former Spouses' Protection Act, Oct. 1990, at 54.

## INSURANCE

Uninsured Motorist Coverage, Mar. 1990, at 51.

## LANDLORD-TENANT LAW

Dollar-a-Day Charge for Late Rent Constitutes Unlawful Penalty, June 1990, at 57.

Fair Credit Reporting Act Applies to Reports on Tenants, June 1990, at 57.

## MISCELLANEOUS

Military Law Review—Legal Assistance Symposium Issue, Feb. 1990, at 74.

## PROFESSIONAL RESPONSIBILITY

Attorney Suspended For Improper Will Execution, Oct. 1990, at 53.

Ethics Rule Barring Unauthorized Practice of Law Withstands Constitutional Attack, Nov. 1990, at 47.

Illinois and District of Columbia Adopt New Ethics Rules, May 1990, at 74.

JAG Attorneys Following Military Ethics Rules Will Not be Subject to Discipline for Violating Oregon Rules, Jan. 1990, at 42.

Lawyer Ordered to Reveal Whereabouts of Child-Abducting Client, Mar. 1990, at 50.

New York Amends Ethics Rules, Aug. 1990, at 41.

South Carolina Adopts New Ethics Rules, Apr. 1990, at 77.

#### **REAL PROPERTY**

VA Loan Compromise Programs, Apr. 1990, at 79.

#### **SURVIVOR BENEFITS**

Statute of Limitations Bars Claim for SBP Benefits, Dec. 1990, at 43.

#### **SOLDIERS' AND SAILORS' CIVIL RELIEF ACT**

A Look at the Credit Industry's Approach to the Six Percent Limit on Interest Rates, Nov. 1990, at 49.

Applicability of SSCRA to Automobile Leases, Dec. 1990, at 44.

Protection from Mortgage Foreclosure, Dec. 1990, at 45.

Soldiers' and Sailors' Civil Relief Act Protection for Active and Reserve Component Soldiers, Oct. 1990, at 49.

#### **SURVIVOR BENEFITS**

Congress Changes the Survivor Benefit Plan, Feb. 1990, at 75.

Hikes in Veterans' Benefits Announced, Feb. 1990, at 76.

#### **TAX**

Agent Orange Settlement Payments Are Tax-Free, Aug. 1990, at 41.

Congress Changes Penalty Provisions of the Tax Code, Mar. 1990, at 45.

Distributions From Individual Retirement Arrangements, June 1990, at 54.

Executive Officials May Be Entitled to Deferral of Gain, July 1990, at 52.

Filing Tax Returns on Time, Mar. 1990, at 46.

Final Regulations Issued on Abatement of Penalty Because of Erroneous IRS Advice, July 1990, at 53.

IRS Announces 1989 Mileage Rates, Jan. 1990, at 43.

Points Paid on Balloon Note Held Deductible in Year Paid, Sept. 1990, at 42.

State Taxation of Military Retired Pay, Sept. 1990, at 43.

Tax Aspects of the Reserve Call-up, Nov. 1990, at 47.

Tax Consequences of Selling the Principal Residence Upon Divorce, Aug. 1990, at 39.

Trial Court Order Addressing Tax on Military Retired Pay Reversed, Oct. 1990, at 51.

Two More States Rule That Courts Can Allocate Dependency Exemptions, Feb. 1990, at 76.

U.S. Savings Bonds: An Old Reliable, Now Even More Attractive, Jan. 1990, at 42.

#### **VETERANS LAW**

Reserve Reemployment Rights, Dec. 1990, at 41.

### **Index of Policy Letters from The Judge Advocate General**

*The Army Lawyer*  
*January 1990—December 1990*

Unlawful Command Influence—Policy Memorandum 90-1, DAJA-CL, 9 February 1990, Apr. 1990, at 3.

Selection of Court Members—Policy Memorandum 90-2, DAJA-CL, 6 Aug. 1990, Sept. 1990, at 3.

### **Index of The Judge Advocate General's Opinions**

*The Army Lawyer*  
*January 1990—December 1990*

Nonappropriated Fund Instrumentalities/Private Organizations—Museum Fund Drive, DAJA-AL 1989/2565 (27-1a), (16 Oct. 1989), Jan. 1990, at 47.

Command Authority—Blanket Command Designation,

DAJA-AL 1989/2841 (27-1a), (17 Nov. 1989), Mar. 1990, at 51.

Applicability of Retirement Law to ROTC and USMA Cadets, DAJA-AL 1989/2609 (27-1a), (8 Dec. 1989), May 1990, at 71.



